

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, TRUSTEE FOR THE
LIQUIDATION OF BERNARD L. MADOFF
INVESTMENT SECURITIES LLC, AND
BERNARD L. MADOFF,

Plaintiff,

v.

DELTA NATIONAL BANK AND TRUST
COMPANY,

Defendant.

Bankruptcy Court
Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Bankruptcy Court
Adv. Pro. No. 11-02551 (CGM)

NOTICE OF APPEAL

Part 1: Identify the Appellant(s)

1. **Name(s) of appellants:** Delta National Bank and Trust Company.
2. **Position of appellant(s) in the adversary proceeding that is the subject of this appeal:** Defendant.

Part 2: Identify the Subject of this Appeal

1. **Describe the judgment, order, or decree appealed from:**
 - a. *Order Denying the Delta National Bank and Trust Company's Motion to Dismiss the Complaint* (ECF No. 109) (the "Order") (attached as Exhibit A). The Order was based on the *Memorandum Decision Denying Defendant's Motion to Dismiss* (ECF No. 105) (the "Decision") (attached as Exhibit B).
2. **State the date on which the judgment, order, or decree was entered:**
 - a. The Order was entered on August 23, 2022, and the Decision was entered on August 12, 2022.

Part 3: Identify the Other Parties to the Appeal

1. **List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys:**

<u>Defendant-Appellant</u>	<u>Attorneys</u>
Delta National Bank and Trust Company	SULLIVAN & CROMWELL LLP James L. Bromley 125 Broad Street New York, New York 10004 (212) 558-4000

<u>Plaintiff-Appellee</u>	<u>Attorneys</u>
Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC	BAKER & HOSTETLER LLP David J. Sheehan Nicholas J. Cremona Robyn M. Feldstein Alexa T. Bordner Shelly Fredericks 45 Rockefeller Plaza New York, New York 10111 Telephone: (212) 589-4200

Part 4: Optional Election to Have Appeal Heard by District Court

Not applicable in this District.

Part 5: Signature

Dated: September 6, 2022

Respectfully submitted,

/s/ James L. Bromley

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*Attorney for Delta National Bank and Trust
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